

CALIFORNIA CITIZENS COMPENSATION COMMISSION

TRANSCRIPTION OF RECORDED
CALIFORNIA CITIZENS COMPENSATION COMMISSION MEETING
HELD AT SACRAMENTO CITY HALL
SACRAMENTO, CALIFORNIA
JUNE 21, 2019

TRANSCRIBED BY: DONNA K. NICHOLS, RPR, CSR NO. 5660

1 CHAIRMAN DALZELL: Well, shall we start.

2 All right, um, my name is Tom Dalzell. I am the
3 Chairman of the Commission, and I gavel -- figuratively
4 gavel this meeting to order.

5 Um, can we have a, um -- a roll call, please.

6 CLERK: Tom Dalzell.

7 CHAIRMAN DALZELL: Present.

8 CLERK: Margaret Wong.

9 COMMISSIONER WONG: Present.

10 CLERK: Laura Horrocks.

11 COMMISSIONER HORROCKS: Present.

12 CLERK: And Nichole Rice.

13 COMMISSIONER RICE: Present.

14 CLERK: You have a quorum.

15 CHAIRMAN DALZELL: I'll note that we have, uh, two
16 new members this year. And, um, I don't know what you did
17 to deserve this, but, um, here you are with us. Um,
18 welcome. And it's -- it's a really interesting, if not
19 rewarding, process.

20 Um, our first task is to approve the Minutes from the
21 June 26 Commission meeting. They are the third tab in our
22 binder. And only Commissioner Wong and I were here then.

23 I have reviewed them, and I find them to be
24 satisfactory.

25 Do you have any corrections to note?

1 COMMISSIONER WONG: Uh, no, I'm okay with that.

2 CHAIRMAN DALZELL: And will you make a motion to
3 approve the, uh, Minutes?

4 COMMISSIONER WONG: I'll make a motion to approve.

5 CHAIRMAN DALZELL: Is there a second?

6 COMMISSIONER RICE: Second.

7 CHAIRMAN DALZELL: All right. Those in favor?

8 (Multiple voices saying aye)

9 CHAIRMAN DALZELL: All right. So they stand
10 approved.

11 Um, next we ask for opening comments by Commission
12 members. And, um, I'll ask Commissioner Wong to go first so
13 that our new commissioners can get a sense of what a
14 brilliant opening comment looks like. Um . . .

15 Commissioner.

16 COMMISSIONER WONG: Uh, yes. Um, looking at the
17 economy of today, uh, and the budget of California, um, I
18 think that -- and also we always look at the comparable with
19 the other states and on the compensation, and that's what --
20 historically that's what we do. And then we will review
21 whether or not that there need to be adjustment and based on
22 the economy, based on our budget, and based on the
23 comparable with the other states.

24 So that's why we're here.

25 COMMISSIONER RICE: Thank you, Chair.

1 Uh, I wanted to thank staff for the very helpful
2 orientation binder. As a new commissioner, I found it
3 extremely helpful. It was very thorough. Um, it provided a
4 lot of background on the origin of the Commission as well as
5 the various criteria and factors that, um, persuade our
6 decision making -- or guide our decision making I should
7 say.

8 Um, I also wanted to thank the previous -- or the
9 last Commission members for the -- the work that you've done
10 in the past, uh, going through the binders. The questions
11 that you asked, the criteria that you asked for, um, I -- I
12 also found very helpful. So thank you.

13 COMMISSIONER HORROCKS: Thank you. Uh, I also wanted
14 to say thank you for the materials, the benchmarking. Um,
15 all of the information provided is absolutely amazing to be
16 able to not have to go research all of that. Um, and thank
17 you for the guidance from our current -- or our previous
18 members and leading us on this journey. It's a fun time
19 economically.

20 So, uh, let's proceed, I guess.

21 CHAIRMAN DALZELL: All right, thank you.

22 You know, um, with respect to the binder and the work
23 by the staff -- this is what I do for a living, I negotiate
24 and I work with salary surveys. And I know how difficult
25 they are, I know how much work went into this, and I know

1 how good it is. It's a lot of work and it was really,
2 really well done, so I thank the staff for that.

3 Um, one issue that I like to clarify, especially with
4 new members on, and -- is there a representative of -- of
5 either the assembly or the -- or the senate here? Great.

6 Um, I'm going to try to state this in a way that's
7 accurate. And I always end up getting a little bit
8 corrected. But the -- it is my understanding that both
9 houses have a -- an overall budget, um, which they must live
10 within -- which they must live within. I ended a sentence
11 with a preposition.

12 Um, and so it is almost -- it is almost entirely safe
13 to say that the actions that we take do not have a financial
14 impact on the overall spending of either house. If we vote
15 to cut salaries, the budget remains the same and it can be
16 then allocated to staff or other events. And if we vote to
17 increase salaries, they have to find room within their
18 overall budget.

19 Would you agree that I've . . .

20 MALE VOICE: Yes, that is correct.

21 CHAIRMAN DALZELL: All right.

22 MALE VOICE: Our budget does not change.

23 CHAIRMAN DALZELL: Uh, and that is not true with
24 constitutional officers. Um, I don't think.

25 So what we do is largely symbolic, which is not to

1 say it's not important. Especially in hard times I think it
2 becomes very important to show that the, uh, legislature and
3 the constitutional officers are facing hardships, they are
4 not immune from hardships just as the citizens of California
5 aren't.

6 Um, so if we think that we are, um, really having a
7 difference in the budget, we're not. That's not really the
8 purpose of this exercise. I think is -- what is fair, what
9 is appropriate in light of the economy, the State budget.
10 And we've historically looked at what other states do. And
11 that's a -- a difficult comparison because of cost of
12 living. And the underlying statute says nothing about
13 looking at other states.

14 Um, we are directed to look at local government. And
15 so in our binder this year the staff did a great job under
16 the section of salary survey of looking at California city
17 elected officials and, uh, county elected officials from the
18 larger cities, Los Angeles, San Diego, San Jose, San
19 Francisco, Sacramento, and Fresno, and the larger counties
20 of, uh, Los Angeles, San Diego, Orange, Riverside, San
21 Bernardino, Santa Clara, Alameda, Sacramento, San Francisco.

22 Um, and I found looking at the -- the cities and
23 counties to be really instructive because there is closer to
24 the people. It's local. And there are political
25 consequences for setting those salaries as they are set.

1 Uh, there are no political consequences for us in setting
2 them. And, you know, you'll see pretty significant in the
3 larger cities and larger counties especially pretty
4 significant differences, uh, between what we pay our elected
5 officials in Sacramento and what we pay them closer to home
6 where we pay more closer to home. Um, and, uh, I find
7 that -- that interesting and, uh, instructive.

8 So that is all the -- all I have to say in our
9 opening comments.

10 Um, were there any open issues from our June 28,
11 2018, Commission meeting that we need to bring up? No.

12 Um, so we now come to, uh, public testimony. Is
13 there anybody from the public who would like to give us
14 their -- their thoughts or their, um, facts?

15 Hearing none, we will move on to staff reports. And
16 we've all -- I think we've all praised you. So . . . Take
17 a bow.

18 Do you want to go through -- through the binder
19 explaining section by section?

20 CLERK: Yes. Okay, so in your binder we have
21 prepared the, um, Agenda and Public Notice. We have the
22 meeting Minutes from the June 26, 2018, meeting, which you
23 guys all approved. We also have the, um -- the Resolution
24 that came out of that meeting. We have the salary surveys
25 that Tom was just referencing. We have the State

1 administrative annual salaries, um, the exempt salary chart.
2 We have the Civil Service salary history going back to 2006.
3 We have the, uh, 2018 State legislature information as well
4 as the retirement benefits, and we also have the health
5 benefits for constitutional legislative officers. And,
6 lastly, we have the Department of Finance certification
7 letter which certified a positive balance.

8 CHAIRMAN DALZELL: So the, um, certification letter
9 is a condition precedent to increasing salaries, and that
10 condition precedent is met, does not require us to do so,
11 but we may not do so without it.

12 Um, I -- I will mention, especially for the benefits
13 of -- of the -- of the new members who probably picked this
14 up in reading past binders, but in the tab that is Civil
15 Service salary history you see how, um, the -- how the State
16 reacted to the recession of 2008 where it was generally
17 handled by a reduction in income which was not a reduction
18 in salary for civil servants through the furlough program
19 and the personal leave program.

20 Um, because they were furloughed or placed on
21 personal leave their income those years was reduced. But
22 when the furlough and personal leave programs went away, um,
23 the salaries remained where they had been. There was no
24 reduction in the salaries.

25 And that is in contrast to what this Commission did

1 with legislators and constitutional officers which was for
2 either two or three years in a row they were actually
3 reduced and permanently reduced. They did not bounce back
4 up when the economy recovered. And so the Commission over
5 the last several, uh, years has, uh, addressed the -- the
6 makeup as well as what was fair for that year.

7 Um . . . Uh, we now come to, uh, our discussion
8 which will lead, we hope, to an adoption of Resolution
9 setting compensation. And I believe that we are statutorily
10 required to have a decision by July 1st?

11 MALE VOICE: Correct.

12 CHAIRMAN DALZELL: All right. So that doesn't give
13 us -- give us very much time this year to do anything other
14 than act today.

15 But the new commissioners, and perhaps Commissioner
16 Wong and -- and myself, may well have some good ideas for
17 what more we would like to know. And we can make a standing
18 request today for the staff to do that before we meet next
19 year.

20 So, um, Commissioner Wong, I'm going to go back to
21 you as the, uh -- as the fellow veteran on the -- on the
22 Commission. Do you have, uh, any thoughts to begin the
23 discussion of what we should do this year both in terms of
24 what action to take and what, uh, we might want before we
25 meet next year?

1 COMMISSIONER WONG: Well, I find the information
2 provided, uh, pretty abundant, pretty, uh, good. And, um --
3 and, uh, I think that, um, the -- including the benefits
4 and -- and, uh, the comparison and all that. And, um, I,
5 uh -- I don't have any particular information I needed, uh,
6 to -- before the, uh -- before next year.

7 And I also wanted to comment that, um, you notice on
8 the, uh, State Civil Service salary history, uh, for the
9 last five years I would say, um, is basically -- or five or
10 six years basically compensating back the reduction of the
11 2010 with the furlough program and all that reduction. So
12 it's kind of getting back to the level that, um -- that
13 reduction, catching up with that.

14 Um, other than that I, uh -- I think that, uh, we do
15 have enough information for what we are today, to make a
16 decision.

17 CHAIRMAN DALZELL: All right. Uh, Commissioner
18 Trujillo-Rice.

19 COMMISSIONER RICE: Thank you, Chair.

20 Um, reading the past Minutes from last meeting and
21 then, uh, looking at the Commission history summary it seems
22 as though we've acted in the past four years or so to
23 increase, um, the salary at three percent or four percent to
24 restore back to those, um -- back to those levels.

25 I -- I did see in 2014 there was a ten-percent

1 reduction of the State's contribution for health benefits.
2 Um, I notice that in these Minutes, uh, from last meeting
3 there wasn't any discussion about health benefits. So I
4 wanted to ask if we'd had any conversations, um -- I guess
5 going back to 2015, that would be the year after, about
6 restoring those . . .

7 CHAIRMAN DALZELL: My -- my memory is that we have
8 restored fully the amount that was cut. Um . . .

9 Any help here?

10 MALE VOICE: (Unintelligible).

11 CHAIRMAN DALZELL: That's correct. Yeah. That's
12 why -- we accomplished that before last year. And so, um,
13 good point. That's where we are. We are back to the status
14 quo ante.

15 COMMISSIONER RICE: So just to be clear that the
16 ten-percent cut that was -- that happened in 2014 has been
17 restored?

18 CHAIRMAN DALZELL: Yes.

19 COMMISSIONER RICE: Um, and then with that, uh, just
20 also being very new and this being the first Commission
21 meeting, I -- I appreciate you letting us know that we
22 didn't have the actual breakdown of the numbers. Um, if at
23 all possible, if we could see those contributions, what they
24 are numerically.

25 Um, I was looking up what -- what that definition is

1 of -- specifically talking about healthcare benefits -- what
2 that, uh, definition was for the managerial position, um, in
3 the Government Code. Uh, and -- and there was a brief
4 description. So if there's a further breakdown of what that
5 health plan looks like ever, is that in the realm of -- of
6 what we decide and -- and review?

7 CHAIRMAN DALZELL: Certainly appropriate to review
8 it.

9 Uh, does anybody have it with them today?

10 Can you identify yourself too, please.

11 MS. ACKER: Yes. Do I need to push any button? Or
12 it's fine. Where's the button? It's on, okay.

13 Uh, I'm Angela Acker. I am, uh, a Health Policy
14 Analyst with CalHR.

15 So the information available today are, um, CalPERS
16 Board of Administration has approved the health plan rates
17 for next year, 2020. And, uh, and we know the top four
18 health plans, uh, with the highest State, um, uh, members --
19 uh, State employees enrolled that, um, the employer
20 contribution will be based off of.

21 Um, what we do not have are the actual employer
22 contribution amounts. Um, those are being developed at this
23 moment.

24 CHAIRMAN DALZELL: Is -- is it a percentage of the
25 total premiums cost?

1 MS. ACKER: So how -- how the employer contribution
2 is calculated is so the top four health plans, um, uh, we
3 take a weighted average, uh, so that we -- we, uh, consider
4 the, um -- the current -- the premiums of this year, the
5 enrolled, um, uh, members, and we, uh, take the total of
6 that amount. And then the employer contribution for the,
7 um, officers would be 85 percent of that dollar amount and
8 for their dependents would be 80 percent of that dollar
9 amount.

10 COMMISSIONER RICE: Thank you so much.

11 MS. ACKER: Okay.

12 CHAIRMAN DALZELL: You have anything further to say?

13 COMMISSIONER RICE: No. Thank you.

14 CHAIRMAN DALZELL: All right. Commissioner.

15 COMMISSIONER HORROCKS: Thank you, Chair.

16 Um, I'm not sure that there's any additional data
17 needed. We have quite a bit of data here in front of us.
18 Again, much appreciated.

19 Um, I think calling out some of the, uh, health plan
20 benefits is helpful. Knowing that the percentage isn't
21 expected to change should be enough to make our decision.

22 Uh, I do have questions, and I'm not sure that they
23 need to be here, but how does the -- about how the
24 individual salaries are set and whether we ever change, um,
25 individual compensation versus looking at compensation and

1 adjusting for inflation or economic, uh, changes and whether
2 or not we ever look to further develop salaries at the
3 individual level.

4 CHAIRMAN DALZELL: Uh, and that issue you are
5 addressing yourself to the constitutional officers, I
6 assume, not to members of the legislature.

7 COMMISSIONER HORROCKS: Correct.

8 CHAIRMAN DALZELL: Right. Well, that's where --
9 that's where I see some really striking differences. Um, if
10 we take the -- the Attorney General, um, and compare that to
11 what the, um -- what district attorneys are making, um,
12 about 175,000 for the Attorney General, and 389,000 in Los
13 Angeles, 235 in San Diego, 273 in Orange, and so on.

14 And that's one -- um, I think the answer to your
15 question that as long as I have served on this Commission,
16 which is -- this is my ninth meeting, and looking at the
17 records from before I don't think that we have ever, um,
18 challenged the -- or even considered the assumptions that
19 group the constitutional officers into three or four levels.

20 And, um, I think that that would be a good exercise
21 for us to do, uh, next year. I don't -- you know, we don't
22 have time to do it this year. But I think it's -- it's a
23 really int -- interesting idea. And I don't think that we,
24 um, could determine the thinking behind the grouping even if
25 we wanted to. Um, so I think that we should perhaps

1 approach it as a -- as a, uh, a fresh start, what makes
2 sense today.

3 Um, but I -- I think that that is something that we
4 should, um, next year probably, um, get in any data
5 requests -- or we -- we have the information from other
6 states, we can see how they do it. You know, we can rank
7 them and -- and do that. Um, but schedule a meeting earlier
8 so that we can start exploring. And if we need a second
9 meeting to go further, we can do that. But I think that's
10 a -- a very good idea.

11 Anything else?

12 COMMISSIONER HORROCKS: Um, and if we do intend to go
13 through that exercise, I might request the Excel version of
14 the data just so I can play with it. But otherwise --

15 CHAIRMAN DALZELL: Yeah.

16 COMMISSIONER HORROCKS: -- this is great.

17 CHAIRMAN DALZELL: Yeah. Um, all right.

18 And I'll mention -- I'll mention, I think I'm correct
19 with this, this entire binder is online and is available to
20 the contract -- to the public. What we are looking at is --
21 is all public information.

22 Um, so it comes to me. And I haven't heard a number
23 from anybody yet. And, um, I'd rather not be the person to
24 say the first number. But I think that the commissioners
25 have identified, um, the relevant issues which is the state

1 of the economy, uh, the state of the California budget, both
2 of which are very good. Uh, the comparison with other
3 states, California remains high, so has our cost of living.
4 The comparison with counties, um, many of the positions are
5 below the, uh, cities -- the large cities and counties.
6 And, um, I think that, um, something along the lines of what
7 we've done for the last several years would be appropriate.

8 Is there anybody who would like to, uh -- to suggest
9 a number? I don't think that there's a correct number. I
10 think there's a range. There are several correct numbers.

11 Is there anybody who would like to?

12 COMMISSIONER WONG: Well, I'd like to, uh, maybe
13 suggest going back to look at, uh, the last two years. We
14 have consistently, um, talking about four percent.

15 CHAIRMAN DALZELL: Right.

16 COMMISSIONER WONG: And, uh, so I would say that it's
17 going to be a number -- uh, around that number, start with.

18 CHAIRMAN DALZELL: Yeah, I don't think that we have
19 enough information to do anything, um -- well, we don't have
20 enough time to do anything beyond a fair number like that in
21 terms of the stacking, the bunching, or the comparison with
22 the cities and counties.

23 Um, so I would invite one of our -- our new members
24 to be a little bit more specific than Commissioner Wong, see
25 where she's going, and put a number out there.

1 COMMISSIONER HORROCKS: I think, uh, with GDB -- GDP
2 expected to grow two, three percent and our inflation rate
3 being adjusted down that a three to four percent, uh,
4 increase is reasonable.

5 COMMISSIONER RICE: I agree. I think that, um, if
6 the consensus had been -- had been, uh, the four percent,
7 I -- I would be comfortable.

8 And if you need that in a motion form, I can
9 certainly do that. Make a motion to increase compensation
10 by four percent.

11 CHAIRMAN DALZELL: Is there a second so that we can
12 get into a discussion on the motion?

13 COMMISSIONER HORROCKS: Second.

14 CHAIRMAN DALZELL: All right. Any discussion on
15 the -- on the motion?

16 Hearing none I'll ask that the vote be called.

17 CLERK: Margaret Wong.

18 COMMISSIONER WONG: Yes.

19 CLERK: Nichole Rice?

20 COMMISSIONER RICE: Yes.

21 CLERK: Laura Horrocks.

22 COMMISSIONER HORROCKS: Yes.

23 CLERK: Tom Dalzell.

24 CHAIRMAN DALZELL: Yes.

25 So let's talk about preparing the Resolution. Um,

1 what do we need to remember about this? We agree that we
2 will sign it, serial -- serially?

3 FEMALE VOICE: (Inaudible).

4 CHAIRMAN DALZELL: And -- and we sign it when and
5 how?

6 FEMALE VOICE: You don't.

7 CHAIRMAN DALZELL: We don't.

8 FEMALE VOICE: You don't sign the Resolution.

9 CHAIRMAN DALZELL: Oh, okay.

10 FEMALE VOICE: (Unintelligible) takes effect.

11 CHAIRMAN DALZELL: All right. That's easy.

12 Um, are there any other adjustments that we need to
13 make in the language?

14 I -- I don't think so. I think that the percentages
15 apply to section one of the resolution, the annual salaries.
16 And we review it, and approve the arithmetic, uh, and then
17 our Resolution's done.

18 COMMISSIONER RICE: I -- I just wanted to go back
19 really quick to your, um, further question or comment about,
20 uh, setting a -- a meeting date earlier for next year to
21 review the comparisons. Is that --

22 CHAIRMAN DALZELL: Yes.

23 COMMISSIONER RICE: -- is that what the intent was?

24 I was wondering, if possible, uh, if there could be a
25 comparison for healthcare packages as well, uh, that are

1 offered on the local level. I don't know how tedious of a
2 task that is and I dare to ask it as a new member.

3 But just with the healthcare costs being what they
4 are, um, not just in California but all over the country,
5 and dealing that -- with that on a day-to-day basis. Would
6 that be something we could look at next year?

7 CHAIRMAN DALZELL: I'm sure we can obtain that
8 information. I mean, you and I both work for unions and we
9 know, uh, surveys. And healthcare is the trickiest because
10 of the plan design.

11 COMMISSIONER RICE: Yes.

12 CHAIRMAN DALZELL: All we can do is look at the cost.

13 COMMISSIONER RICE: Yes.

14 CHAIRMAN DALZELL: Uh, and that's -- that's not
15 dispositive, it's instructive, informative, uh, because the
16 plan design, the -- the devil's in the details of that. But
17 it would be good to know. Especially when -- if Kaiser's in
18 there, uh, and you see -- that one's easier to compare
19 because generally the plans are -- are fairly similar.

20 But, um --

21 COMMISSIONER RICE: Absolutely. And just, you know,
22 reading kind of the history -- the -- the plans -- they
23 haven't changed since the formation of the Commission. And
24 I do know that, um, the legislature and Statewide officers,
25 that -- that makeup has changed. Uh, there are more women

1 elected, there are more mothers that may be the bread
2 winners --

3 CHAIRMAN DALZELL: Right.

4 COMMISSIONER RICE: -- and have more dependents. And
5 so just coming from a -- from that standpoint of looking
6 into that information and having as much as we can
7 available.

8 And I know that the devil is in the details. Uh,
9 but -- but that is -- that is quite a big burden for -- for
10 folks.

11 CHAIRMAN DALZELL: Uh, yeah, we can finalize and
12 perfect the -- the specific request. You know, I'd be
13 interested in the, um, total premium cost of the amount paid
14 for the employee and probably single -- I mean, then you get
15 into the different tiers, single, single plus one, single
16 plus two, single family.

17 But I'd be interested in -- in a couple of other
18 numbers which is the deductible and the out-of-pocket
19 maximums. Those are pretty visible.

20 COMMISSIONER RICE: And I would defer to you, Chair,
21 to -- uh, to --

22 CHAIRMAN DALZELL: Oh, thanks.

23 COMMISSIONER RICE: -- formalize that request and --
24 and get as specific as possible.

25 CHAIRMAN DALZELL: All right.

1 And are you -- are you interested in large cities,
2 large counties, and/or 50 states?

3 COMMISSIONER RICE: I think that as your comments
4 reflected earlier on -- this doesn't really, uh, instruct us
5 to look at other states but more so the cities, um, and
6 counties of California. So I think that's more along the
7 lines since, uh, that's what we did for compensation.

8 CHAIRMAN DALZELL: Something else that the statute
9 directs us to do -- and I'm -- I'm not sure we've ever done
10 it, is look at, uh, superior court judge and -- and district
11 court of appeal, um, judge, the salary and those basics
12 about, um, pensions and -- and medical.

13 COMMISSIONER RICE: Okay.

14 CHAIRMAN DALZELL: Yeah. All right, so I'll prepare
15 that and get it to the staff. Um . . .

16 CLERK: I'm sorry. Ms. Acker has a clarifying
17 question for the members.

18 MS. ACKER: Well, I just want to confirm the specific
19 items you are requesting, that you will formalize all of
20 that in a request that you will forward to us?

21 CHAIRMAN DALZELL: Yes.

22 MS. ACKER: Okay. All right.

23 CHAIRMAN DALZELL: I'll probably -- can -- with --
24 within the confines of the Brown Act can that be circulated
25 to the other members of the Commission, or it has to come

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from me?

FEMALE VOICE: It has to come from (inaudible).

CHAIRMAN DALZELL: Okay. Thank you.

Anything further from commissioners?

Uh, our new commissioners took this like duck to water. Good job. And, uh, we'll see you next year. Thank you.

COMMISSIONER RICE: Thank you.

CHAIRMAN DALZELL: The record's closed.

COMMISSIONER HORROCKS: Thank you.

COMMISSIONER WONG: Thank you.

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

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Dated: JULY 18, 2019



DONNA K. NICHOLS, RPR
STATE OF CALIFORNIA
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